

8

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AZAR STAFFELD f/k/a AZAR SADEGHI,

Plaintiff,

-v-

U.S. OFFICE OF PERSONNEL MANAGEMENT,  
RETIREMENT APPEAL OFFICE  
1900 EAST STREET, RM 3449  
WASHINGTON, DC 20415-355

Defendant.

Case: 2:20-cv-11085  
Judge: Friedman, Bernard A.  
MJ: Grand, David R.  
Filed: 03-18-2020 At 12:41 PM  
CMP AZAR STAFFELD V US OFFICE OF  
PERSONNEL MANAGEMENT (SS)

\_\_\_\_\_  
AZAR STAFFELD  
Plaintiff, *Pro Se*  
341 Corrie Road  
Ann Arbor, MI 48105  
(734) 904-1010  
\_\_\_\_\_

**COMPLAINT**

NOW COMES Plaintiff, AZAR STAFFELD f/k/a AZAR SADEGHI, and for her Complaint against U.S. OFFICE OF PERSONNEL MANAGEMENT, provides as follows:

1. Plaintiff, AZAR STAFFELD f/k/a AZAR SADEGHI, is an adult resident of the State of Michigan who currently resides at 341 Corrie Road, Ann Arbor, MI 48105.
2. Defendant, U.S. OFFICE OF PERSONNEL MANAGEMENT (hereafter "OPM"), is an independent agency of the United States Federal Government that manages the government's civilian workforce. The agency provides federal human resources policy, oversight and support, administers healthcare, life insurance and retirement benefits for federal government employees, retirees and their dependents, annuity of retirees and

adjudicates federal employee regular and disability retirement cases.

3. This Court has jurisdiction in the instant matter as this case involves a claim in which an agency of the United States Federal Government is a party, involves issues concerning federal retirement benefits which originate according to federal law, and seeks to compel specific performance of a determination and ruling by a federal Administrative Law Judge.
4. Venue properly rests in this Court pursuant to 28 U.S.C. § 1391(b)(2), as a substantial part of the events or omissions giving rise to this claim occurred within this judicial district.
5. Plaintiff worked from September of 2003 to May of 2011 as an Adjudicator for Social Security Administration, a branch of federal government which the retirement and disability is administered by OPM.
6. In December of 2010 and April of 2011, Plaintiff suffered two debilitating strokes which rendered her physically and mentally unable to work.
7. Defendant, OPM, approved Plaintiff (who at that time was known as Azar Sadeghi) for annuity benefits in February of 2012 as a result of Plaintiff's malady as outlined above.
8. Approximately one month later, in or around March of 2012, OPM began to pay Plaintiff annuity benefits of approximately \$2,800.00 per month.
9. Plaintiff also applied for Social Security disability benefits in May of 2011 and September of 2014; Plaintiff's 2011 disability claim was denied and her 2014 disability claim was granted.
10. As a result of Plaintiff initially becoming approved for Social Security disability

benefits, the amount of the OPM annuity benefit was decreased from \$2,800.00 per month to \$954.00 per month for the time period September of 2014 to November of 2018.

11. Plaintiff started to receive Social Security disability benefits in June of 2016. However, in October of 2018, Social Security Administrative Law Judge Matulewicz invalidated his previous findings and related determination, and subsequently ruled without cause that Plaintiff was not disabled.

12. As a result, Social Security Administration determined (albeit incorrectly) that Plaintiff was paid in excess of what she was lawfully entitled to and wants its money back as of October 2018.

13. Plaintiff requested reinstatement of her OPM annuity benefits to the full amount as a result of Social Security Administrative Law Judge Matulewicz's decision and it was granted.

14. OPM assessed an overpayment of approximately \$35,000.00 to the Plaintiff claiming receipt of full benefits from both Social Security and OPM. However, OPM Administrative Law Judge Honorable Georgia Vlahos granted Plaintiff's appeal as OPM's claim of overpayment was not substantiated. Honorable Georgia Vlahos also ordered OPM to investigate the exact amount of UNDERPAYMENT DUE TO THE PLAINTIFF about a year ago and release said amount to the Plaintiff.

15. As a result of Plaintiff's s--uccessful OPM appeal, there is an unjustified overpayment assessed to Plaintiff that has now been set aside.

16. Plaintiff has been experiencing a financial hardship due to OPM's unjustifiable delay in releasing the underpayment amount due to Plaintiff for the three years and one month that is due to Plaintiff.

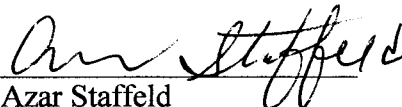
17. The amount of underpayment is approximately \$94,770.00.

18. To avoid injustice, Plaintiff respectfully asks this Honorable Court to specifically enforce OPM Administrative Law Judge Honorable Georgia Vlahos's decision and ruling.

19. Plaintiff is entitled to an order compelling specific performance by Defendant to release the underpayment amount due to Plaintiff or, alternatively, for a judgment in her favor in the amount the underpayment plus court costs and expenses for having to bring this action.

WHEREFORE, Plaintiff, AZAR STAFFELD f/k/a AZAR SADEGHI, respectfully requests the Court to enter an order compelling specific performance by Defendant, U.S. OFFICE OF PERSONNEL MANAGEMENT, to release the underpayment amount due to Plaintiff in the amount of \$94,770.00 forthwith, or, alternatively, or, in the alternative, enter a Judgment against Defendant for whatever amount of damages in excess of \$75,000 which Plaintiff is found to be entitled, plus interest and costs.

Respectfully submitted,

BY:   
Azar Staffeld  
Plaintiff, *Pro Se*

Dated: March 18, 2020

## CIVIL COVER SHEET

S 44 (Rev. 02/19)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

AZAR Staffeld

(b) County of Residence of First Listed Plaintiff Washington  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

N/A proper

## DEFENDANTS

Office of personnel management, opm

County of Residence of First Listed Defendant D.C.  
(IN U.S. PLAINTIFF CASES ONLY)

NO1

Case: 2:20-cv-11085

Att Judge: Friedman, Bernard A.

MJ: Grand, David R.

Filed: 03-18-2020 At 12:41 PM

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PERSONNEL MANAGEMENT (SS)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government  
Plaintiff☐ 3 Federal Question  
(U.S. Government Not a Party)☒ 2 U.S. Government  
Defendant☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZEN

(For Diversity Cases Only)

Citizen of This State

PTF

DEF

☒ 1 Incorporated or Principal Place  
of Business In This State

Citizen of Another State

☐ 2☐ 2Incorporated and Principal Place  
of Business In Another StateCitizen or Subject of a  
Foreign Country☐ 3☐ 3

Foreign Nation

and One Box for Defendant

PTF

DEF

☐ 4☐ 4☐ 5☒ 5☐ 6☐ 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 898 Arbitration <input checked="" type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original  
Proceeding☐ 2 Removed from  
State Court☐ 3 Remanded from  
Appellate Court☐ 4 Reinstated or  
Reopened☐ 5 Transferred from  
Another District  
(specify)☐ 6 Multidistrict  
Litigation -  
Transfer☐ 8 Multidistrict  
Litigation -  
Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC 1345 &amp; 1348 / 899

Brief description of cause:

Release of UNDERPAYMENT

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER RULE 23, F.R.Cv.P.

DEMAND \$

\$94,770.50

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes☒ NoVIII. RELATED CASE(S)  
IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

MAC JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes  
☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes  
☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

\_\_\_\_\_

\_\_\_\_\_



Azar Staffeld  
341 Corrie Rd.  
Ann Arbor, mi 48105

hand  
case



RECEIVED  
APR 29 2020  
CLERK'S OFFICE  
U.S. DISTRICT COURT

US Federal District Court  
Eastern District Court  
231 W. Lafayette Blvd  
Detroit, MI 48226

U.S. MARSHALS

